

**ENTERED**

August 05, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

FABIAN SHAW, *et al*,

Plaintiffs,

VS.

HELIX ENERGY SOLUTIONS GROUP INC.,

Defendant.

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CIVIL ACTION NO. 4:18-CV-3200

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION**

Pending before the Court in the above referenced proceeding is Defendant's Motion for Dismissal of Class Action Claim and Certain Other Claims in Plaintiffs' First Amended Class Action Complaint (Doc. No. 15); Plaintiffs' response (Doc. No. 21); Defendant's Reply (Doc. No. 22); Magistrate Judge Stacy's Memorandum and Recommendation (Doc. No. 28); and Plaintiff's Objection to Memorandum and Recommendation Regarding Plaintiffs' Disparate Impact Claim (Doc. No. 31).

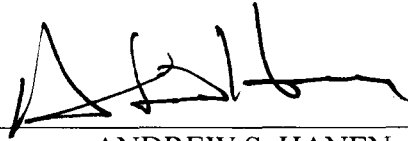
The Court has reviewed the case, *de novo*, and agrees with the Magistrate Judge's conclusion that Defendant's Motion should be granted in part. Accordingly, is it hereby

**ORDERED** that the Memorandum and Recommendation (Doc. No. 28) is **ADOPTED**; and Defendant's Motion for Dismissal of Class Action Claim and Certain Other Claims in Plaintiffs' First Amended Class Action Complaint (Doc. No. 15) is **GRANTED IN PART**. It is further

**ORDERED** that, pursuant to Rule 12(b)(6) for failure to state a claim, Plaintiffs' class action claim; Shaw's disparate treatment and hostile work environment claims under Title VII based on conduct that occurred prior to November 18, 2016; and, Kwabena's disparate treatment and hostile work environment claims under Title VII based on conduct that occurred prior to

November 15, 2016 are **DISMISSED WITH PREJUDICE**. Defendant's objection concerning the disparate impact claims are **OVERRULED** without prejudice to being reasserted pursuant to Rule 56 FED.R.CIV.P.

SIGNED at Houston, Texas, this 26<sup>th</sup> day of August, 2019.

  
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ANDREW S. HANEN  
UNITED STATES DISTRICT JUDGE